

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:19-cr-00023-MR**

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	
vs.)	<u>ORDER</u>
)	
JOHN B. HENSLEY,)	
)	
Appellant.)	
<hr/>)	

THIS MATTER is before the Court on the Appellant's Notice of Appeal [Doc. 2].

On February 20, 2019, the Honorable W. Carleton Metcalf, United States Magistrate Judge, found the Appellant guilty of one count of digging and possessing ginseng without a permit, in violation of 36 C.F.R. § 261.6(h). [Doc. 1-1]. The Appellant was sentenced to nine days of imprisonment. [Id.]. The Appellant, proceeding *pro se*, filed a timely Notice of Appeal from the Magistrate Judge's Judgment on March 5, 2019. [Doc. 1].

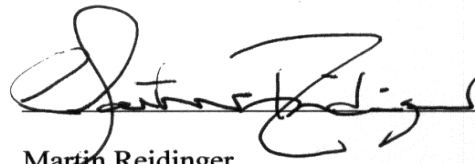
A timely notice of appeal having been filed, the Court therefore will enter a scheduling order for the briefs on appeal. The Court further will stay the Appellant's sentence pending the resolution of this appeal. See Fed. R. Crim. P. 38(b)(1); Fed. R. Crim. P. 58(g)(3).

IT IS, THEREFORE, ORDERED that the Appellant shall file his brief on appeal on or before thirty (30) days from the entry of this Order. The Appellee shall file its brief on or before thirty days (30) from the filing of the Appellant's brief.

IT IS FURTHER ORDERED that the Appellant's sentence of imprisonment is hereby stayed during the pendency of the appeal.

IT IS SO ORDERED.

Signed: March 6, 2019


Martin Reidinger
United States District Judge

